

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff,

v.

J.C. ANDERSON,
Defendant.

CASE NO. 05CR10224-GAO-1

**MOTION FOR CONSIDERATION OF ADDITIONAL FACTORS
REGARDING DETENTION OF THE DEFENDANT**

Now comes the defendant, J.C. Anderson, to respectfully request that this Honorable Court take into consideration additional factors in ruling on the appropriateness of his detention. The matter is currently under advisement and no detention order has been issued. As grounds for his request, Mr. Anderson submits the following:

1. A detention hearing commenced on August 30, 2005, before Magistrate Judge Collings.
2. At the conclusion of the hearing, Magistrate Judge Collings requested that Pre-Trial Services contact the Mr. Anderson's mother, Mrs. Arcena Anderson, to determine whether or not she could be an appropriate third-party custodian for Mr. Anderson. The Court indicated that the matter would remain under advisement pending a report on that issue from Pre-Trial Services (see Ex. A, at 08/30/2005).
3. On August 31, 2005, Pre-Trial Services submitted a letter to the Court stating that it believed that Mrs. Arcena Anderson would not be an appropriate third-party custodian for Mr. Anderson (see Ex. B, letter dated August 31, 2005) .

4. Since that time, Mr. Anderson's sister, India Williams, has communicated her willingness to act as a third-party custodian for her brother. Ms. Williams resides in Taunton, Massachusetts, where she owns her own home. Ms. Williams has no criminal record (see Ex. C, Affidavit of India Williams).
5. As indicated by the Court's docket sheet for Mr. Anderson, the matter is still under advisement (see Ex. A, at 08/30/05, et. seq.).
6. In 1994, Mr. Anderson successfully completed 36 months of supervised release. From his 1994 release through the instant arrest -- a period of approximately eleven years -- Mr. Anderson had no contact whatsoever with the criminal justice system. He has four children who his partner is now supporting alone.

CONCLUSION

For the foregoing reasons, the defendant respectfully requests that this Honorable Court either: 1) have Pre-Trial Services interview India Williams to determine her appropriateness as a third-party custodian and, if Ms. Williams is considered appropriate, release Mr. Anderson to her custody pending his trial; or 2) schedule a date to continue the detention hearing to consider Ms. Williams' appropriateness as a third-party custodian.

Respectfully submitted,

//s//Jessica D. Hedges

Jessica D. Hedges (BBO No. 645847)
Stephen B. Hrones (BBO No. 242860)
HRONES GARRITY & HEDGES, LLP
Lewis Wharf-Bay 232, Boston, MA 02110
617-227-4019

DATED: March 9, 2006

CERTIFICATE OF SERVICE

I, Jessica D. Hedges, hereby certify that I served a copy of this motion by prepaid first-class United States mail on all counsel of record upon whom electronic service was not possible.

//s//Jessica D. Hedges

Jessica D. Hedges (BBO No. 645847)

**United States District Court
District of Massachusetts (Boston)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-10224-GAO-ALL**

Case title: USA v. Anderson

Date Filed: 08/24/2005

Assigned to: Judge George A. O'Toole,
Jr

Defendant

J. C. Anderson (1)
also known as
Mann (1)

represented by **Stephen B. Hrones**
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Boston, MA 02110
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Email:
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

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ATTORNEY TO BE NOTICED

Pending Counts

21:846=CD.F CONSPIRACY TO
DISTRIBUTE CONTROLLED
SUBSTANCE - COCAINE BASE
21USC846
(1)

21:841A=CD.F CONTROLLED
SUBSTANCE - SELL, DISTRIBUTE,
OR DISPENSE - DISTRIBUTION OF
COCAINE BASE 21USC841(A)(1)(a)
ALSO CRIMINAL FORFEITURE
21USC853
(2-3)

Disposition

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Cynthia W. Lie**
 United States Attorney's Office
 1 Courthouse Way
 Suite 9200
 Boston, MA 02210
 617-748-3183
 Email: cynthia.lie@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/24/2005	<u>1</u>	SEALED INDICTMENT as to J. C. Anderson (1) count(s) 1, 2-3. (Costello2, Helen) Additional attachment(s) added on 8/25/2005 (Diskes, Sheila). (Entered: 08/24/2005)
08/24/2005	<u>2</u>	GOVERNMENT'S MOTION to Seal Case and MOTION to Unseal Case upon defendant's arrestas to J. C. Andersonby USA. (Costello2, Helen) Additional attachment(s) added on 8/25/2005 (Diskes, Sheila). (Entered: 08/24/2005)
08/24/2005	<u>3</u>	Judge George A. O'Toole Jr.: ORDER entered. ORDER REFERRING CASE to Magistrate Judge Robert B. Collings Reason for referral: Pretrial Proceedings as to J. C. Anderson (Costello2, Helen) Additional attachment(s) added on 8/25/2005 (Diskes, Sheila). (Entered: 08/24/2005)
08/25/2005		Arrest of J. C. Anderson on August 25, 2005. (Russo, Noreen) (Entered: 08/30/2005)
08/26/2005	<u>4</u>	Arrest Warrant Returned Executed on 8/25/05. as to J. C. Anderson. (Smith3, Dianne) (Entered: 08/29/2005)
08/26/2005		Electronic Clerk's Notes for proceedings held before Judge Judith G.

		Dein :Initial Appearance as to J. C. Anderson held on 8/26/2005. C. Lie for Gov't, with G. MacKinlay, Steve Hrones with Def't. USMJ Dein informs def't of his rights and charges; Def't submits CJA 23 form and requests counsel. Counsel is appointed. Gov't moves for detention and continuance, USMJ Dein orders the def't to temporary detention pending hearing before USMJ Collings (Digital Recorder.) (Russo, Noreen). (Entered: 08/30/2005)
08/26/2005	<u>6</u>	Judge Judith G. Dein : Electronic ORDER entered. CJA 20 as to J. C. Anderson: Appointment of Attorney Stephen B. Hrones for J. C. Anderson. (Russo, Noreen) (Entered: 08/30/2005)
08/30/2005		Mag. Judge Robert B. Collings: endorsement on motion ORDER entered granting 2 Motion to Unseal Case as to J. C. Anderson (1) (Smith3, Dianne) (Entered: 08/30/2005)
08/30/2005		Electronic Clerk's Notes for proceedings held before Judge Robert B. Collings:ARRAIGNMENT as to J. C. Anderson (1) Count 1,2-3 held on 8/30/2005, DETENTION HEARING as to J. C. Anderson held on 8/30/2005, PLEA ENTERED by J. C. Anderson: Not Guilty on counts 1-3. C. Lie for Gov't, S. Hrones for Def't, Pretrial Services. Initial Status Conf. set for October 11, 2005 @ 10:45 A.M. Witness One: ATF Agent R. White. Direct examination by Gov't, Cross by Def't. No further evidence from Gov't or Def't. Def't does not object to par. 1-4 of PTS Report. Court asks PTS to interview Def'ts father as potential 3P and Court will take matter under advisement pending PTS report. (Digital Recorder) (Russo, Noreen) (Entered: 08/30/2005)
08/30/2005	<u>7</u>	EXHIBIT/WITNESS LIST for 8/30/2005 Detention Hearing as to J. C. Anderson. (Russo, Noreen). (Entered: 08/31/2005)
08/30/2005	<u>8</u>	Judge Robert B. Collings : ORDER entered. MEMORANDUM AND ORDER as to J. C. Anderson (Russo, Noreen) (Entered: 09/02/2005)
10/11/2005		ElectronicClerk's Notes for proceedings held before Judge Robert B. Collings :Initial Status Conference as to J. C. Anderson held on 10/11/2005. C. Lie for Gov't, S. Herones for Def't. Def't requests relief from 116.3 time requirements. Court sets deadline of cob 10/18/2005. Expert reports due 45 days prior to trial for Gov't, 21 days for Def't; Gov't / Def't do not owe any further discovery, court sets deadline for non-discovery motions of cob 11/21/2005. It is too early to know if case will end in trial or plea, if trial will be about 3 days. Final Status Conf. set for 11/28/2005 @ 2:00 P.M. (Digital Recording) (Russo, Noreen) (Entered: 10/11/2005)
10/11/2005	<u>9</u>	Judge Robert B. Collings : ORDER entered. REPORT AFTER INITIAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(A) as to J. C. Anderson (Russo, Noreen) (Entered: 10/12/2005)
10/11/2005	<u>10</u>	Judge Robert B. Collings : ORDER entered. ORDER FOR FINAL STATUS CONFERENCE (L.R. 116.5(C)) as to J. C. Anderson (Russo, Noreen) (Entered: 10/12/2005)

10/11/2005	<u>11</u>	Judge Robert B. Collings : ORDER entered. ORDER OF EXCLUDABLE DELAY as to J. C. Anderson Time excluded from 8/24/2005 until 8/24/2005. Time excluded from 8/26/2005 until 8/26/2005. Time excluded from 8/26/2005 until 8/30/2005. Time excluded from 8/30/2005 until 8/30/2005. Time excluded from 8/31/2005 until 9/27/2005. Time excluded from 10/11/2005 until 10/11/2005. Time excluded from 10/12/2005 until 11/21/2005. Thus, as of November 21, 2005, THIRTEEN (13) non-excludable days will have occurred leaving FIFTY-SEVEN (57) days left to commence trial so as to be within the seventy day period for trial set by statute. (Russo, Noreen) (Entered: 10/12/2005)
11/08/2005	<u>14</u>	Response to discovery letter filed 10/27/05 (discovery letter has not been received for docketing) as to J. C. Anderson: (Edge, Eugenia) (Entered: 11/10/2005)
11/10/2005	<u>12</u>	Ex Parte MOTION for Funds as to J. C. Anderson. (Hrones, Stephen) Additional attachment(s) added on 11/10/2005 (Edge, Eugenia). Modified on 11/15/2005 (Edge, Eugenia). (Entered: 11/10/2005)
11/10/2005	<u>13</u>	AFFIDAVIT of Jessica D. Hedges by J. C. Anderson 12 MOTION for Investigative Funds filed by J. C. Anderson, (Hrones, Stephen) Additional attachment(s) added on 11/10/2005 (Edge, Eugenia). (Entered: 11/10/2005)
11/28/2005		ElectronicClerk's Notes for proceedings held before Judge Robert B. Collings:Final Status Conference as to J. C. Anderson held on 11/28/2005. C. Lie for Gov't; S. Herones. Def't indicates that he does not plan to file a motion to suppress. Upon review of parties joint Final Status Report, court indicates it will file report after final status conference. Court indicates that right to motion to compel has been waived as there was no response to the Gov't 11/7/2005 denial of materials. Court requests that Def't file with District Judge any objections to Final Status Report. Gov't indicates that it will provide CW information with discovery due 21 days before trial -- where CW has already testified or prepared to testify but trial didn't go forward -- past investigations that didn't go forward. (Digital Recording) (Russo, Noreen). (Entered: 11/28/2005)
11/28/2005	<u>15</u>	JOINT SUBMISSION/FINAL STATUS CONFERENCE REPORT pursuant to Local Rule 116.5(C) as to J. C. Anderson (Edge, Eugenia) (Entered: 11/29/2005)
11/28/2005	<u>16</u>	Judge Robert B. Collings : ORDER entered. ORDER ON EXCLUDABLE DELAY as to J. C. Anderson. Time excluded from 11/28/2005 until 11/28/2005. Thus, as of November 28, 2005, NINETEEN (19) non-excludable days have occurred leaving FIFTY-ONE (51) days left to commence trial so as to be within the seventy-day period set by statute. (Russo, Noreen) (Entered: 11/29/2005)
11/28/2005	<u>17</u>	Judge Robert B. Collings : ORDER entered. ORDER AFTER FINAL STATUS CONFERENCE PURSUANT TO LOCAL RULE 116.5(C)as

		to J. C. Anderson (Russo, Noreen) (Entered: 11/29/2005)
11/28/2005		Case as to J. C. Anderson no longer referred to Magistrate Judge Robert B. Collings. (Russo, Noreen) (Entered: 11/29/2005)
11/30/2005	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE: Jessica Diane Hedges appearing for J. C. Anderson (Hedges, Jessica) (Entered: 11/30/2005)
12/01/2005		NOTICE OF HEARING as to J. C. Anderson Pretrial Conference set for 12/7/2005 02:00 PM in Courtroom 9 before Judge George A. O'Toole Jr.. Please mark your calendars accordingly.(Lyness, Paul) (Entered: 12/01/2005)
12/01/2005	<u>20</u>	MOTION Ex Parte Motion for Funds as to J. C. Anderson. (Lyness, Paul) (Entered: 12/19/2005)
12/02/2005		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 12 Motion for Investigative Funds as to J. C. Anderson (1) (Lyness, Paul) (Entered: 12/02/2005)
12/07/2005	<u>19</u>	MOTION for Discovery as to J. C. Anderson. (Hrones, Stephen) (Entered: 12/07/2005)
12/07/2005		ElectronicClerk's Notes for proceedings held before Judge George A. O'Toole Jr.:Pretrial Conference as to J. C. Anderson held on 12/7/2005 Jury Selection set for 2/6/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Jury Trial set for 2/6/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Final Pretrial Conference set for 1/18/2006 02:45 PM in Courtroom 9 before Judge George A. O'Toole Jr.. All time between now and 2/6/06 is excluded in the interest of justice.(Court Reporter Lee Marzilli.) (Lyness, Paul) (Entered: 12/07/2005)
12/19/2005		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 20 Motion as to J. C. Anderson (1) (Lyness, Paul) (Entered: 12/19/2005)
01/17/2006	<u>21</u>	MOTION to Continue <i>Trial</i> to 03/27/2006 to Continue Trial as to J. C. Anderson. (Hrones, Stephen) (Entered: 01/17/2006)
01/17/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered granting 21 Motion to Continue as to J. C. Anderson (1) Jury Trial set for 3/27/2006 09:00 AM in Courtroom 9 before Judge George A. O'Toole Jr.. Final Pretrial Conference set for 3/16/2006 02:45 PM in Courtroom 9 before Judge George A. O'Toole Jr.. (Lyness, Paul) (Entered: 01/17/2006)
01/23/2006		Terminate Deadlines and Hearings as to J. C. Anderson: (Lyness, Paul) (Entered: 01/23/2006)
02/02/2006		Judge George A. O'Toole Jr.: Electronic ORDER entered finding as moot 2 Motion to Seal Case as to J. C. Anderson (1), as this motion was previously ruled on by Magistrate Judge Collings on 8/30/05 (Lyness, Paul) (Entered: 02/02/2006)
03/03/2006	<u>22</u>	Assented to MOTION For Trial Date Continuance And Excludable Delay

	as to J. C. Andersonby J. C. Anderson, USA. (Lie, Cynthia) (Entered: 03/03/2006)
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PACER Service Center			
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MEMORANDUM

To: Honorable Robert B. Collings, U.S. Magistrate Judge

From: September-Lee Brown, U.S. Pretrial Services Officer

Re: ANDERSON, J.C.

CR#05-10224-001

Date: August 31, 2005

On August 31, 2005, this officer received a telephone contact from the defendant's mother, Arcena Evelyn Anderson. Mrs. Anderson stated that her son, George Anderson, who had an appointment for a third party interview with this officer, would not be coming. She further stated her son's girlfriend would not allow the defendant to reside at the residence. This officer informed Mrs. Anderson that Mr. George Anderson's criminal record revealed forty eight entries. She advised she knew about Mr. George Anderson's criminal record and that was also why she did not want him to be a third party custodian for the defendant.

At this time, Mrs. Anderson asked this officer to check her criminal record and advise if she would be suitable as a third party, although, she was unsure if she wanted to present herself as a third party custodian for the defendant. This officer discovered fifty four entries on Mrs. Anderson's criminal record.

In view of the above information, neither individual is considered suitable by Pretrial Services as third party custodians and additionally, both Mr. George Anderson and Mrs. Arcena Anderson are reluctant to present themselves to the Court as third party custodian's for the defendant.

Honorable Robert B. Collings
U.S. District Court, Magistrate Judge
RE: ANDERSON, J.C.
CR#05-10224-001GAO

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This is being provided to Your Honor for informational purposes.

SLB

cc: Cynthia Lei, AUSA
Stephen Hrones, Esq.

Reviewed by:

A handwritten signature in black ink, appearing to read "Basil F. Cronin", written in a cursive style.

Basil F. Cronin, Supervising
U.S. Pretrial Services Officer

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,
Plaintiff

v.

J.C. ANDERSON,
Defendant

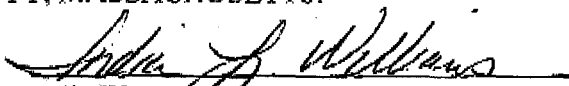
CASE NO. 05CR10224-GAO-1

AFFIDAVIT OF INDIA WILLIAMS

I, India Williams, being duly sworn, hereby depose and state:

1. I am J.C. Anderson's sister; I am thirty-five years old.
2. I own my home at 15 Smith Avenue in Taunton, Massachusetts; I have lived there since December 31, 2004.
3. I graduated from Boston High School in 1990.
4. I am employed by Office Team, a temporary employment agency located at 10 Forbes Road, Braintree, Massachusetts.
5. I do not have a criminal record.
6. I recently contacted Jessica Hedges, who represents my brother, J.C. Anderson, and indicated that I would be willing to act as a custodian for my brother should he be released.
7. I understand that he may be placed on electronic monitoring.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 24 DAY OF
FEBRUARY 2006, BOSTON, SUFFOLK COUNTY, MASSACHUSETTS.


India Williams